

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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HUSSEIN S. HUSSEIN,  
Plaintiffs,  
v.  
ADEL ERSEK; et al.,  
Defendants.

3:07-cv-0056-LRH-VPC

ORDER

Before the court is plaintiff Hussein S. Hussein's ("Hussein") objection to the magistrate judge's order denying his motions for contempt and to comply with a subpoena duces tecum (Doc. #170<sup>1</sup>). Doc. 178.

Local Rule IB 3-1 authorizes a district judge to reconsider any pretrial matter referred to a magistrate judge pursuant to LR IB 1-3 where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law. Here, Hussein objects to the magistrate's denial of his motion for contempt (Doc. #146) and his motion to comply with a subpoena (Doc. #122) arguing that the Department of Veteran's Affairs ("DVA") failed to produce documents in accordance with his legitimately issued subpoena.

The magistrate denied Hussein's motions finding that, as a *pro se* plaintiff, he was without

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<sup>1</sup> Refers to the court's docket entry number.

1 authority to issue the subpoena without the court's endorsement. *See* Doc. #170;  
2 FED. R. CIV. P. 45(a)(3). This order was not in error. Hussein, as a *pro se* plaintiff must request  
3 approval from the court to issue subpoenas, particularly against individuals or corporations like the  
4 Department of Veteran's Affairs who are neither a party to, nor involved in, the present matter.  
5 Accordingly, the court finds that Hussein has failed to show that the magistrate's order is either  
6 contrary to law or clearly erroneous and therefore, the court shall affirm the magistrate judge's  
7 order.

8 IT IS THEREFORE ORDERED that plaintiff's objection to the magistrate judge's order  
9 (Doc. #178) is DENIED.

10 IT IS FURTHER ORDERED that the magistrate judge's order denying plaintiff's motion  
11 for sanctions (Doc. #170) is AFFIRMED.

12 IT IS SO ORDERED.

13 DATED this 7th day of April, 2010.



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16 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE